

Remarks

Claims 1 through 6, 9, and 11 are pending in this application. Claims 7, 8, 10, 12, and 13 were previously cancelled by preliminary amendment. The pending claims stand rejected under 35 U.S.C. §112, second paragraph; 35 U.S.C. §112, first paragraph; 35 U.S.C. §103; and stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

This paper contains amendments under 37 C.F.R. §1.121. The present claims are limited to the exemplified compounds, pharmaceutical formulations of the exemplified compounds, and methods of treatment using the exemplified compounds. Basis for these amendments can be found, at minimum, at page 52, line 20 through page 107, line 5, which corresponds to Examples 1 through 86, and page 116, line 5 through page 117, line 2.

Rejection of Claims 1 through 6, 9, and 11 under 35 U.S.C. §112, Second Paragraph

Claims 1 through 6, 9, and 11 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. While Applicants do not acquiesce to the merits of this rejection, Claims 1 through 6, 9, and 11 have been cancelled and replaced with Claims 14 through 16. Applicants assert that the rejection pertaining to inconsistent use of punctuation is obviated. Applicants respectfully note that the term “therapeutically effective amount” is not part of the present pharmaceutical formulation claim (Claim 15). The claimed formulation comprises a compound of the invention together with a pharmaceutically acceptable diluent or carrier. Dosage limitations are not necessary for such a claim. Therefore, Applicants respectfully request withdrawal of this rejection.

Rejection of Claim 11 under 35 U.S.C. §112, First Paragraph

Claims 11 is rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. While Applicants do not acquiesce to the merits of this rejection, Claim 11 has been cancelled and replaced with Claim 16, which claims a method of treating breast cancer or prostate cancer. As such, Applicants assert that the rejection is obviated and respectfully request withdrawal of this rejection.

Rejection of Claims 1 through 3, 9, and 11 under 35 U.S.C. §103(a)

Claims 1 through 3, 9, and 11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sawyer et al. (WO 2002094833). While Applicants do not acquiesce to the merits of this rejection, Claims 1 through 3, 9, and 11 have been cancelled and replaced with Claims 14 through 16. Thus, Applicants assert that the rejection is obviated and respectfully request withdrawal of this rejection.

Rejection of Claims 1 through 3, 9, and 11 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1 through 3, 9, and 11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1 through 4 of Beight et al. (US 2006/0040983), Claims 4 through 7 of Sawyer et al. (US 2006/0079680), and Claims 1 through 7 of Sawyer et al. (US 7,087,626). While Applicants do not acquiesce to the merits of this rejection, Claims 1 through 3, 9, and 11 have been cancelled and replaced with Claims 14 through 16. Applicants, therefore, assert that the rejection is obviated and respectfully request withdrawal of this rejection.

Conclusion

Applicants assert that the above-stated remarks overcome the Office's rejections for this application. Applicants courteously solicit reconsideration of these rejections and passage of this case to issuance.

Respectfully submitted,

/Danica Hostettler/

Danica Hostettler
Attorney for Applicants
Registration No. 51,820
Phone: 317.276.3711

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

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